

Appl. No. 09/822,573
Amdt. dated June 23, 2005
Reply to Office Action of March 25, 2005

PATENT

Amendments to the Drawings:

The attached sheets of drawings (Figs. 1-12) includes changes to Fig. 12. The last sheet of drawings, which includes Fig. 12, replaces the original sheet which included Fig. 12.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

REMARKS

Claims 10-14, 31-34, 37 and 38 have been examined. Claims 10-14, 31-34, 37 and 38 have been amended. Reconsideration of the application, as amended, is respectfully requested. Counsel for the Applicant wishes to thank the Examiner for the interview of June 22, 2005. An appropriate summary form has been provided by the Examiner.

The Drawings

Fig. 12 has been amended to clarify that reference numeral 82 points to the piezoelectric transducer.

Claim Rejections - 35 U.S.C. §112

Claims 10-14, 31-34, 37 and 38 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. These claims have been amended to recite an apparatus that comprises a vibratable member and a plate body. Hence, this rejection is rendered moot.

Claim Rejections - 35 U.S.C. §103

Claims 31-34 have been rejected under 35 U.S.C. §102(a) as being unpatentable over Dobo. This rejection is respectfully traversed in part and overcome in part. Claim 31 as currently amended recites the use of a piezoelectric transducer that is coupled to a holding member which holds the plate body. Since neither of these elements are described in Dobo, claim 31 is distinguishable. Claims 32-34 depend from claim 31 and are distinguishable for at least the same reasons. Further, Applicants respectfully disagree that the flared portion of about 1 micron to about 10 microns would have been obvious in view of Dobo since Dobo does not vibrate its aperture plate.

Claims 10-14, 37 and 38 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Fleischman. This rejection is respectfully traversed in part and overcome in part.

As currently amended claim 10 includes both a piezoelectric transducer and a holding member with a central opening to which the piezoelectric transducer is coupled. Hence, claim 10 and dependent claims 11-14, 37 and 38 are distinguishable over Fleishman. Also, Applicants disagree that it would have been obvious to modify the size of the apertures of Fleishman or use palladium since the plates of Fleishman are not vibrated with a piezoelectric transducer to produce liquid droplets.

Claims 10-14, 31-34, 37 and 38 have been rejected under 35 U.S. C. §103(a) as being unpatentable over DeMaine. This rejection is respectfully traversed.

Claims 10 and 37 both include apertures with specific configurations, none of which are described in DeMaine. Rather, the Office Action has taken piecemeal portions of different plates in DeMaine (Figs. 2b and 3a) in a hindsight attempt to construct the plate body of claims 10 and 37. Hence, claims 10 and 37 are distinguishable without amendment.

However, in order to further distinguish over the cited art, claims 10 and 37 have been amended to recite a specific configures of piezoelectric transducer, holding member and plate body that are clearly not found in DeMaine. Hence, independent claims 10 and 37 and dependent claims 12-14, 31-34 and 38 are distinguishable for this additional reason. Further, Applicants respectfully disagree that it would have been obvious to make the apertures of a certain size or out of palladium based on the teachings of DeMaine since DeMaine fails to teach the specific apertures of the claimed invention or the manner in which the plate body is vibrated by the piezoelectric transducer.

CONCLUSION

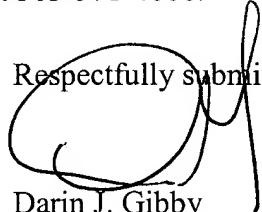
In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

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If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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Fig. 12

